VENABLE ...

November 16, 2016

The Honorable Thomas Wheeler, Chairman Federal Communications Commission 445 12th Street SW Washington, DC 20540 James Arden Barnett, Jr.

T (202) 344-4695 F 202.344.8300 jbarnett@venable.com.

Re: Sandwich Isles Communications, Inc. Orders WC Docket 09-133

Dear Chairman Wheeler:

We represent Sandwich Isles Communications, Inc. (SIC) in matters for which two orders are currently circulating on the Eighth Floor, and we would like to visit with you and your staff as you consider and make decisions on these orders. We seek a resolution to put SIC on track with the Universal Service Administrative Company (USAC) and with the National Exchange Carrier Association (NECA) <u>and</u> to ensure that all Native Hawaiians in the Hawaiian Home Lands (HHL) continue to receive service.

We appreciate that the exhaustive work by the Commission staff has been completed and that you have been briefed, but we think that your decision-making would benefit from some matters which may not have been emphasized during the process.

I think it is significant that the Hawaiian Homes Commission approached the founder of SIC for a solution to the problem of lack of service to the Native Hawaiians in the HHL and the associated high infrastructure cost. Hawaiian Tel and others would not serve the HHL, even with federal assistance, and have shown no interest in serving areas that are hard to reach or have significant infrastructure challenges (the very reasons USAC and USF were created). SIC does not cherry-pick areas of the HHL; it serves all of its eligible study area. SIC built the network and serves the HHL, and with its infrastructure, SIC really is the only entity capable of providing service at the levels that meet the needs of the HHL residents at a reasonable cost.

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The Honorable Thomas Wheeler, Chairman November 16, 2016 Page 2

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We ask the FCC to recognize that the purpose of its orders should be corrective not punitive. This is particularly true since the only errors claimed to have been found by USAC relate to allocation of costs. USAC did not find that SIC or its owners falsified documents or otherwise engaged in illegal activity of the type that the Commission has found to exist in recent USF forfeiture orders.

The Honorable Thomas Wheeler, Chairman November 16, 2016 Page 3

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Thank you for your thoughtful consideration of these matters. We look forward to the opportunity to meet with your or your staff to more fully explore these critical matter as you consider the two items that are before you.

Sincerely yours,

James Arden Barnett, Jr., Esq. Rear Admiral USN (Ret.)

cc: Lisa Hone, Wireline Legal Advisor Matthew DelNero, Wireline Competition Bureau Chief

November 16, 2016

The Honorable Mignon Clyburn, Commissioner Federal Communications Commission 445 12th Street SW Washington, DC 20540 James Arden Barnett, Jr. T (202) 344-4695 F 202.344.8300 jbarnett@venable.com

Re: Sandwich Isles Communications, Inc. Orders WC Docket 09-133

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The Honorable Mignon Clyburn, Commissioner November 16, 2016 Page 2

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The Honorable Mignon Clyburn, Commissioner November 16, 2016 Page 3

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James Arden Barnett, Jr., Esq. Rear Admiral USN (Ret.)

ce: David Grossman, Chief of Staff Claude Aiken, Legal Advisor

VENABLE ...

November 16, 2016

The Honorable Jessica Rosenworcel, Commissioner Federal Communications Commission 445 12th Street SW Washington, DC 20540 James Arden Barnett, Jr.

T (202) 344-4695 F 202.344.8300 jbarnett@venable.com

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James Arden Barnett, Jr., Esq. Rear Admiral USN (Ret.)

cc: Travis Litman, Senior Legal Advisor Jennifer Thompson, Special Advisor

November 16, 2016

The Honorable Ajit Pai, Commissioner Federal Communications Commission 445 12th Street SW Washington, DC 20540 James Arden Barnett, Jr.

T (202) 344-4695 F 202.344.8300 jbarnett@venable.com

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The Honorable Ajit Pai, Commissioner November 16, 2016 Page 2

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James Arden Barnett, Jr., Esq. Rear Admiral USN (Ret.)

cc: Matthew Berry, Chief of Staff Nicholas Degani, Legal Advisor

November 16, 2016

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T (202) 344-4695 F 202.344.8300 jbarnett@venable.com

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cc: Amy Bender, Legal Advisor